IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 9392 of 1995**

Between:

M/s Premodaya Kerosene Wholesale Dealer,

Rep.by its Partner, P.T.Jagannadham,
S/o.P.T.Ramanujam, Stone Housepet,
Nellore.

**..... PETITIONER**

AND

Bharat Petroleum Corporation Ltd., Rep.by its

Chief Divisional Manager,
Madras Division, Madras - 600 034.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondent in issuing the impugned proceedings in M.KER, Dt.17/4/1995 (wrongly typed as 17/4/1994) as illegal, arbitrary and void and consequentially to direct the respondent to refrain from in any way terminating the SKO dealership agreement subsisting between the petitioner and the respondent in pursuant to the impugned letter Dt.17/4/1995 (wrongly typed as 17/4/1994) and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.M.R.K.CHOWDARY**

**Counsel for the Respondents: MR.O.MANOHAR REDDY**

**The Court made the following:**

ORDER:

This writ petition is filed questioning the proceedings dated 17.04.1995 whereunder steps were initiated to terminate the kerosene dealership agreement subsisting between the petitioner and the respondent-Corporation. The said proceedings were issued consequent to the order of cancellation of the license granted to the petitioner under the provisions of the A.P. Petroleum Products (L&Rs) Order, 1980. As against the said orders of cancellation of license, the petitioner preferred an appeal and when the same was dismissed confirming the order of cancellation, he further filed a petition before this Court in W.P.No.12925 of 1994. This Court by an order dated 01.08.2001 in W.P.No.12925 of 1994 while setting aside the order passed by the appellate authority, also directed the appellate authority to consider the matter afresh and pass appropriate orders.

It is stated by the learned counsel appearing for the writ

petitioner that as per the directions of this Court, the appeal was taken up for consideration afresh by the appellate authority and the same is still pending consideration before it.

The impugned proceedings were issued only consequent to the orders cancelling the license granted to the petitioner. Inasmuch as the appeal filed by the writ petitioner is pending consideration before the appellate authority, I dispose of the writ petition with a direction to continue the same arrangement which exists as on today till the disposal of the appeal, which is preferred against the orders of cancellation of license, before the appellate authority.

Subject to above directions, the writ petition is disposed of. No order as to costs.

_____ R.SUBHASH REDDY, J

25.01.2005

DR

To

1. The Chief Divisional Manager, Bharat Petroleum

Corporation Ltd.,
Madras Division, Madras - 600 034.

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